

# Notice of Allowability

Application No.

10/039,480

Examiner

Charles I Boyer

Applicant(s)

BAUER ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to applicants' amendment and response received June 7, 2004.
2. ☒ The allowed claim(s) is/are 5, 10-16 and 18-31.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_



CHARLES BOYER  
PRIMARY EXAMINER

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Richard Silverman on August 16, 2004.

The application has been amended as follows:

This listing of claims will replace all prior versions, and listings of claims in the application:

Claims 1-4 (Canceled)

5.(Currently Amended) The ~~builder composition~~ process of ~~[[claim 1]]~~ claim 31, wherein the crystalline sheetlike sodium silicate a) is a powder having an average particle size of from 0.1 to 4 000  $\mu\text{m}$ .

Claims 6-9 (Canceled)

10.(Currently Amended) The process of claim 31 ~~builder composition of claim 1~~, wherein the sulfuric acid component c) is sulfuric acid.

11.(Original) The process of claim 31 ~~builder composition of claim 1~~, further comprising grinding, and optionally fractionating to size said builder composition.

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12.(Currently Amended) The process of claim 31 ~~builder composition of claim 1~~, further comprising grinding and optionally fractionating to size, wherein following said compacting step, the builder composition undergoes grinding, and optionally fractionating to size.

13.(Currently Amended) The process of claim 31, ~~builder composition of claim 1~~ further comprising grinding and optionally fractionating to size, wherein following said compacting, the builder composition undergoes grinding, and optionally fractionating to size and prior to heat treating.

14.(Currently Amended) The ~~builder composition~~ process as claimed in claim 13, further comprising grinding and optionally fractionating to size, wherein said builder composition undergoes heat-treating prior to compacting, grinding, and optionally fractionating according to size.

15.(Currently Amended) The ~~builder composition~~ process as claimed in claim 13, further comprising grinding and fractionating to size, wherein said compacting occurs prior to said grinding, optionally fractionating to size and heat-treating steps.

16.(Currently Amended) The ~~builder composition~~ process of claim 12, wherein the compacting is roll compacting.

17.(Canceled)

18.(Currently Amended) The process of claim 31, wherein the builder composition of ~~claim 1, which~~ is a powder having an average particle size of from 0.1 to 4 000  $\mu\text{m}$ .

19.(Currently Amended) The process of claim 31, wherein the builder composition of ~~claim 1, which is~~ comprises granules having an average particle size of from 200 to 2 000  $\mu\text{m}$ .

20.(Currently Amended) The process of claim 31, wherein the builder composition of ~~claim 1, which is~~ comprises ground granules having an average particle size of from 0.1 to 300  $\mu\text{m}$ .

21.(Currently Amended) The process of claim 31, wherein the builder composition of ~~claim 1, wherein the builder composition~~ has a dissolution residue of a 0.25% strength aqueous solution at 20°C and after stirring for 20 minutes is less than or equal to 50%.

22.(Currently Amended) A laundry detergent or cleaner comprising at least one builder composition provided by claim 31~~of claim 1~~.

23.(Currently Amended) A machine dishwashing detergent comprising the builder composition provided by claim 31~~of claim 1~~.

24.(Original) The laundry detergent or cleaner as claimed in claim 23, which comprises:

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- a) 0.5 to 98% by weight of the builder composition
- b) optionally 0.5 to 80% by weight of cobuilders
- c) optionally 1 to 50% by weight of interface-active substances
- d) optionally 0.5 to 80% by weight of pH regulators
- e) optionally 1 to 70% by weight of bleaches

25.(Currently Amended) A component of a laundry detergent modular system which comprises 60 to 100% by weight of the builder composition provided by claim 31 as ~~claimed in claim 1.~~

26.(Currently Amended) A water softener comprising at least one builder composition provided by claim 31~~of claim 1.~~

27.(Original) The water softener as claimed in claim 26, which comprises

- a) 0.5 to 99% by weight of the builder composition
- b) optionally 0.5 to 80% by weight of cobuilders
- c) optionally 0 to 10% by weight of interface-active substances and
- d) optionally 0.5 to 80% by weight of pH regulators.

28.(Currently Amended) A detergent which comprises:

- a) 70 to 99.5% by weight of the builder composition provided by claim 31~~of claim 1,~~  
and

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- b) 0.5 to 30% by weight of anionic, cationic, nonionic and/or zwitterionic surfactant.

29.(Currently Amended) A detergent, which comprises

- a) 50 to 99% by weight of the builder composition provided by claim 31~~of claim 1~~,  
and  
b) 0.01 to 10% by weight of dye

30.(Currently Amended) The laundry detergent ~~or cleaner~~ of claim 22, which is in tablet form.

31.(Currently Amended) A process for preparing a builder composition consisting of contacting:

- a) crystalline sheetlike sodium silicate of the formula  $\text{NaMSi}_x\text{O}_{2x+1} \cdot y\text{H}_2\text{O}$ , where M is sodium or hydrogen, x is a number from 1.9 to 4 and y is a number from 0 to 20,  
b) water and  
c) sulfuric acid or salt thereof having a releasable  $\text{H}^+$ ,

where a molar ratio of the crystalline sheetlike sodium silicate a) to the total amount of the releasable  $\text{H}^+$  of the sulfuric acid or salt thereof c) is 15:1 to 550:1 and a molar ratio of the water b) to the total amount of the releasable  $\text{H}^+$  of the sulfuric acid component c) is 3 : 1 to 1 000 : 1, and wherein said builder composition undergoes heat treating or compacting, and a step selected from the group consisting of grinding, fractionating to size, and combinations thereof to provide said builder composition having 7-21 % by

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weight of alpha-sodium disilicate, 0 – 12 % by weight of beta-sodium disilicate, and 65 – 95 % by weight of delta-sodium disilicate~~amorphous fractions~~.

2. The following is an examiner's statement of reasons for allowance: The prior art is replete with detergent compositions containing SKS-6, a crystalline layered silicate, as a builder. However, the prior art does not teach a process for preparing a builder consisting of the specific steps presently claimed. Accordingly, the present claims are allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles I Boyer whose telephone number is 571 272 1311. The examiner can normally be reached on M-F 9:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on 571 272 1316. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Charles I Boyer  
Primary Examiner  
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